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JUN 02 2008

In re Patent No. 7,241,899
Issued: July 10, 2007
Application No. 10/805,724
Filed: March 22, 2004
Dkt. No.: LD0283 DIV 1

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:
: PATENT TERM ADJUSTMENT
:
:

OFFICE OF PETITIONS

This is a decision on the "PETITION TO CORRECT PATENT TERM ADJUSTMENT PERIOD IN GRANTED PATENT UNDER 37 C.F.R. §§ 1.181 & 1.705," filed September 10, 2007. This matter is being properly treated as an application for patent term adjustment pursuant to 37 CFR 1.705(d).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application matured into U.S. Patent No. 7,241,899 on July 10, 2007. The instant request for reconsideration was timely filed in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 169 days. Patentees argue that the patent is entitled to an adjustment of 310 days.

Patentees do not contest the adjustments totaling 517 days for Office delays. Patentees do not contest the reduction of seven days or two days.

Patentees contest the reduction of 120 days, arguing that the proper period of adjustment in connection with the substitute declaration submitted September 27, 2006 is 29 days on page one of the application for PTA and 28 days on page five of the application for PTA.

A review of the record reveals that the proper reduction under 37 CFR 1.704(c)(10) is 30 days. The reduction commenced September 27, 2006, the date the substitute declaration was filed, and ending October 26, 2006, the date the Office communication in response thereto was mailed.

Patentees further contest the reduction of 49 days in connection with the receipt of issue fee payment on December 13, 2006.


A review of the record reveals that the correct reduction in connection with the submission of the petition to revive and the issue fee payment on December 13, 2006 is 170 days. In accordance with 37 CFR 1.704(c)(3)(ii), the reduction began October 26, 2006 (the date of abandonment/day after the date that the issue fee was due) and ended April 13, 2007, the date that is four months after the date that a grantable petition to revive was filed.

Accordingly, at the time of issuance, the application was entitled to a patent term adjustment of 308 days (overall adjustment of 517 days for Office delays reduced 209 days for applicants' delays).

Receipt is acknowledged of the required PTA application fee of \$200.00.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 308 days.

Telephone inquiries specific to this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Kery Fries", with a stylized flourish at the end.

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,241,899 B2

DATED : July 10, 2007

INVENTOR(S) : Benigni, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 169 days

Delete the phrase "by 169 days" and insert – by 308 days--

Day : Thursday
Date: 5/29/2008**PALM INTRANET**

Time: 14:16:12

PTA Calculations for Application: 10/805724

Application Filing Date:	03/22/2004	PTO Delay (PTO):	517
Issue Date of Patent:	07/10/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	348
Post-Issue Petitions:	0	Total PTA (days):	308
PTO Delay Adjustment:	139		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	05/29/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	139		
61	05/29/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	417		
60	05/29/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		278	
59	05/29/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		139	
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55	07/10/2007	PATENT ISSUE DATE USED IN PTA CALCULATION	88		51
54	06/01/2007	EXPORT TO FINAL DATA CAPTURE			
53	05/31/2007	DISPATCH TO FDC			
52	05/30/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
51	12/13/2006	ISSUE FEE PAYMENT VERIFIED		49	37
50	05/24/2007	MAIL-RECORD PETITION DECISION OF GRANTED TO ACCEPT DELAYED PAYMENT OF ISSUE FEE		170	37
49	12/13/2006	PETITION ENTERED			
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47	12/05/2006	FINISHED INITIAL DATA CAPTURE			
46	12/11/2006	MAIL ABANDONMENT FOR FAILURE TO PAY ISSUE FEE			
45	12/11/2006	ABANDONMENT FOR FAILURE TO PAY ISSUE FEE			
44	09/25/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
43	10/26/2006	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
42	10/25/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
41	09/27/2006	SUPPLEMENTAL PAPERS - OATH OR		120	43

		DECLARATION			
40.7	09/25/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		2	43
40	09/25/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	09/18/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		7	43
38	07/28/2006	EXPORT TO INITIAL DATA CAPTURE			
37	07/25/2006	MAIL NOTICE OF ALLOWANCE	429		-1
36	07/21/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
35	07/21/2006	ISSUE REVISION COMPLETED			
34	07/21/2006	NOTICE OF ALLOWABILITY			
33	04/12/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	05/01/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
31	06/15/2004	PRELIMINARY AMENDMENT			
30	04/12/2004	REFERENCE CAPTURE ON IDS			
29	04/12/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	05/01/2006	CASE DOCKETED TO EXAMINER IN GAU			
27	03/13/2006	APPLICATION RETURN FROM OIPE			
26	03/14/2006	APPLICATION IS NOW COMPLETE			
25	03/13/2006	APPLICATION RETURN TO OIPE			
24	03/13/2006	APPLICATION RETURN FROM OIPE			
23	03/13/2006	APPLICATION IS NOW COMPLETE			
22	06/15/2004	ADDITIONAL APPLICATION FILING FEES			
21	06/07/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
20	07/14/2004	MAIL-RECORD PETITION DECISION OF GRANTED RELATED TO FILING DATE			
19	06/15/2004	PETITION ENTERED			
18	06/29/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
17	06/29/2004	APPLICATION RETURN TO OIPE			
16	06/29/2004	APPLICATION RETURN FROM OIPE			
15	06/29/2004	APPLICATION IS NOW COMPLETE			
12	06/07/2004	NOTICE OF INCOMPLETE APPLICATION - FILING DATE NOT ASSIGNED			
11	06/07/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
10	06/07/2004	APPLICATION RETURN TO OIPE			

9	06/05/2004	APPLICATION RETURN FROM OIPE			
8	06/07/2004	APPLICATION IS NOW COMPLETE			
7	06/05/2004	APPLICATION RETURN TO OIPE			
6	06/05/2004	APPLICATION DISPATCHED FROM OIPE			
5	06/07/2004	APPLICATION IS NOW COMPLETE			
4	04/16/2004	CLEARED BY OIPE CSR			
3	04/16/2004	CASE CLASSIFIED BY OIPE			
2	04/03/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/22/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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*New for **Pocket PC 2003**: **DOYDIFF 2003**.*



From

September 2006

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

To

October 2006

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Day of Year: 2006 270

Today

Day of Year: 2006 299

Today

Differences

Enter a number of DAYS (such as 7 or -7) or MONTHS (such as 60 or -60) relative to the "From" Calendar. Press ENTER and the result appears in the "To" Calendar.

Whole MONTHS difference will compute the maximum valid TO day for the resulting TO Month. For example, 1 Month from Aug 31 will be Sep 30, since Sep has only 30 days.

Type Days or Months value, then press ENTER

DAYS

29

WHOLE MONTHS

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As time always moves forward, the Years, Months, Days breakdown is always computed from the lesser